# UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS

#### **CIVIL ACTION NO.**

: :

Plaintiff Maria Leticia Lumbreras : MDL No. 2419

Master Docket No. 1:13-md-2419-FDS

V.

: Honorable F. Dennis Saylor

LIBERTY INDUSTRIES, INC., UNIFIRST CORPORATION, A/D/B/A UNICLEAN CLEANROOM SERVICES,

**DEMAND FOR JURY TRIAL** 

Defendants.

### SHORT FORM COMPLAINT

Plaintiff Maria Leticia Lumbreras complaining against the Defendants, allege(s) as follows:

### **FIRST COUNT**

- 1. Pursuant to MDL Order entered in In Re: New England Compounding Pharmacy, Inc. Products liability Litigation, Master Docket No. 1:13-md-2419-FDS, the undersigned counsel hereby submit this Short Form Complaint and Jury Demand against the Defendants, and adopt and incorporate by reference the allegations in the Plaintiffs' Master Complaint, with attachments, and any and all amendments thereto.
  - 2. Plaintiff is a resident of the State of Texas, and claims damages.
- 3. Plaintiff asserts on information and belief that the Plaintiff was administered New England Compounding Pharmacy, Inc. ("NECC") drug (hereinafter referred to as "NECC drug"), causing injuries and damages.
  - 4. Plaintiff(s) adopt(s) and incorporate(s) by reference the following Causes of

Action asserted against the Defendants in the Master Complaint:

$\boxtimes$	COUNT I: NEGLIGENCE AND GROSS NEGLIGENCE (Against Liberty)
	COUNT II: NEGLIGENCE AND GROSS NEGLIGENCE (Against UniFirst)
	COUNT III: NEGLIGENCE AMD GROSS NEGLIGENCE (Against Clinic Related Defendants)
	COUNT IV: VIOLATION OF CONSUMER PROTECTION STATUTES (Against Clinic Related Defendants)
	COUNT V: VIOLATION OF M.G.L. C. 93A (Against Liberty)
	COUNT VI: VIOLATION OF M.G.L. C. 93A (Against UniFirst)
	COUNT VII: BATTERY (Against Clinic Related Defendants)
	COUNT VIII: FAILURE TO WARN (Against Clinic Related Defendants)
	COUNT IX: TENNESEE PRODUCT LIABILITY CLAIMS (Against Tennessee Clinic Related Defendants)
	COUNT X: AGENCY (Against Clinic Related Defendants)
	COUNT XI: CIVIL CONSPIRACY (Against Clinic Related Defendants)
	COUNT XII: WRONGFUL DEATH PUNITIVE DAMAGES (Against Each Defendant)
	COUNT XIII: LOSS OF CONSORTIUM (Against All Defendants)
	COUNT XIV: PUNITIVE DAMAGES (Against All Defendants)

- 5. Plaintiff Maria Leticia Lumbreras has suffered pain and suffering, emotional distress and medical expenses.
- 6. WHEREFORE, Plaintiff(s) demand(s) Judgment against the Defendants awarding compensatory damages, punitive damages, interest, costs of suit, and such further relief as the

Court deems equitable and just.

Plaintiff(s) reserve the right to amend this Complaint to add allegations and claims

against individuals or entities currently omitted (in light of the Court's order permitting a Master

Complaint naming defendants affiliated with NECC and currently participating in mediation by

December 20) and to add or amend allegations against Defendants named herein based, in part,

on further discovery.

JURY DEMAND

Plaintiff(s) hereby demand(s) a trial by jury.

Dated: December 20, 2013

Respectfully submitted,

/s/ Ronald Rodriguez Ronald Rodriguez, LAW OFFICE OF RONALD RODRIGUEZ 915 Victoria Street Laredo, Texas 78040 956 / 796-1000

956/796-1002

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## **CERTIFICATE OF SERVICE**

I hereby certify that on August 2, 2013, I electronically filed the foregoing document with the Clerk for the United States District Court for the District of Massachusetts by using the Court's CM/ ECF system, which will automatically send email notification of such filing to all counsel of record and will likewise be available electronically to any attorneys of record who subsequently appear in this matter.

Respectfully submitted,

/s/ Ronald Rodriguez Ronald Rodriguez